

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

YOLANDA E. BROWN)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
QUIKTRIP CORPORATION)	
)	
)	
)	
Defendant.)	
_____)	

NOTICE OF AND PETITION FOR REMOVAL

COMES NOW Petitioner/Defendant QuikTrip Corporation and shows this Honorable Court the following:

1.

A civil action was filed by the above-named Plaintiff Yolanda E. Brown in the State Court of Gwinnett County, State of Georgia, naming as the Defendant QuikTrip Corporation, Civil Action File No. 18C03576-3. A true and correct copy of all pleadings and orders served upon Petitioner/Defendant QuikTrip Corporation in said civil action, as well as Petitioner/Defendant QuikTrip Corporation's Answer filed in the State Court of Gwinnett County are attached hereto as Exhibit "A."

2.

In her Complaint, Plaintiff seeks damages for a slip-and-fall accident on

March 20, 2015 which occurred at QuikTrip Store #722 located at 7225 Rockbridge Road in Lithonia, Georgia. (Compl. ¶ 6).

3.

Plaintiff Yolanda E. Brown is now, and was at the time this lawsuit was filed, a citizen of the State of Georgia. (Compl. ¶ 1).

4.

Petitioner/Defendant QuikTrip Corporation is, and was at the time this lawsuit was filed, a foreign Oklahoma corporation, with its principal place of business located at 4705 South 129th East Avenue, Tulsa, Oklahoma, 74134. Petitioner/Defendant QuikTrip Corporation's "nerve center" is, and was at the time this lawsuit was filed, also in Tulsa, Oklahoma. Further, Petitioner/Defendant QuikTrip Corporation's state of incorporation is, and was at the time this lawsuit was filed, in Oklahoma. Therefore, Petitioner/Defendant QuikTrip Corporation is deemed a citizen of Oklahoma.

5.

The matter in controversy is one in which this Court has jurisdiction pursuant to 28 U.S.C. § 1332 as it involves citizens of different states, and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. Therefore, pursuant to 28 U.S.C. §§ 1332 and 1441(a), this matter may be removed to this Honorable Court.

6.

In support of its assertion of federal jurisdiction, Petitioner/Defendant QuikTrip Corporation refers to the Complaint, in which Plaintiff alleges that during her fall she “landed in such a way that caused her to experience increasingly excruciating pain in her right ankle area.” (Compl. ¶ 8). For her injuries, Plaintiff claims medical special damages from Eastside Medical Center, Maroon Bells ER Physicians, South Gwinnett Radiology, Greenleaf Foot and Ankle, and Department of Veterans Affairs. (Compl. ¶ 31). This is a refiled case. Medical records produced from these providers in the previous lawsuit totaled \$78,508.91. The following is a chart to show the medical bills received from providers in the previous lawsuit which Plaintiff is claiming as a result of the subject accident:

DATES	PROVIDER	CHARGES
03/20/2015	American Medical Response	\$951.00
03/20/2015	Eastside Medical Center	\$2,746.25
03/20/2015	Maroon Bells Emerg Phys	\$1,804.00
03/20/2015	South Gwinnett Radiology (produced by plaintiff)	\$33.00
03/23/2015	Greenleaf Foot & Ankle (produced by plaintiff)	\$350.00
04/13/2015-03/23/2016	VA Medical Center (produced by plaintiff)	\$71,864.66
10/11/2016-10/25/2016	Jeff Traub, M.D.	\$760.00
	TOTAL:	\$78,508.91

The relevant, redacted medical bills are attached hereto as Exhibit “B.” Plaintiff further alleges that she “is likely to continue to suffer[] physical pain into the future.” (Compl. ¶ 32).

7.

Venue in this Court is proper pursuant to 28 U.S.C. §§ 1391 and 1441.

8.

This Notice of and Petition for Removal is filed within thirty (30) days after receipt by Petitioner/Defendant QuikTrip Corporation, through service on May 31, 2018, of the Complaint setting forth the claim for relief upon which said action is based, and said civil action is sought to be removed to this Honorable Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446, *et. seq.*

WHEREFORE, Petitioner/ Defendant QuikTrip Corporation, prays that this Notice of and Petition for Removal be filed, that the entire action referred to herein above be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, that no further proceedings be held in the case originally filed in the State Court of Gwinnett County, State of Georgia, and that Petitioner/Defendant QuikTrip Corporation have such other and further relief as this Honorable Court deems just and proper in the circumstances.

SIGNATURE ON NEXT PAGE

This 28th day of June, 2018.

Respectfully submitted,

/s/ Jena G. Emory
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Nicole C. Leet
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LR 7.1(D) CERTIFICATE OF FONT COMPLIANCE

I hereby certify that the foregoing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C), Northern District of Georgia, specifically Times New Roman 14 point.

This 28th day of June, 2018.

Respectfully submitted,

/s/Jena G. Emory
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This 28th day of June, 2018.

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